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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,587

06/08/2007

Stephan Lietz

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26646

7590

09/03/2009

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EXAMINER

FARROKH, HASHEM

ART UNIT

PAPER NUMBER

2187

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,587	<b>Applicant(s)</b> LIETZ ET AL.	
	<b>Examiner</b> HASHEM FARROKH	<b>Art Unit</b> 2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 8-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/02/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

*The instant application having application No. 10/581,587 has a total of 7 claims pending in the application; there are 1 independent claim and 6 dependent claims, all of which are ready for examination by the examiner.*

**INFORMATION CONCERNING IDS:**

*The information disclosure statement filed on 06/02/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. An English language copy of documents listed as 0545575 and 1193914 has not been provided, therefore, these documents listed in the information disclosure statement have not been considered by the Examiner.*

**INFORMATION CONCERNING FOREIGN PRIORITY:**

*Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.*

**INFORMATION CONCERNING CLAIMS:**

***Claim Objections***

*Claim 6-12 are objected to because of the following informalities:*

1. *Lines 2-4 of claim 6 recites: "a memory one of subdivided into a plurality of memory areas and including a plurality of individual memories, the one of the memory areas and individual memories configurable independently of each other" It is unclear from the language of claim what exactly the limitation(s) is. Claims 7-12 are objected to because they are directly or indirectly depend from claim 6.*

*Appropriate correction is required.*

### **Claim Rejections - 35 USC § 102**

*The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

*Claims 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,044,418 to Muller.*

2. *In regard to claim 6 Muller teaches:*

*"A device for controlling a memory (e.g., paragraph 4, lines 62-66; Memory Manager 220 in Fig 2), comprising: a memory one of subdivided into a plurality of memory areas and including a plurality of individual memories, the one of the memory areas and individual memories configurable independently of each other;" (e.g., column 6, lines 3-26; Fig. 4). Fig. 4 shows that memory is portioned (e.g., divided) to a plurality of independent queues or buffers (queues Q0-Q2 is shown). The claim as noted above*

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*was objected because ambiguity in language of the claim. For rejections of the claim, the Examiner has assumed the claim limitation(s) meant to recite: a memory subdivided to plurality of memory areas, each of memory area is configurable independent of each other (e.g., see Fig. 4 and associated text of specification).*

“and an arrangement for preadjusting the one of the memory areas and individual memories, and for performing a dynamic modification with respect to at least one of a size and a number of the one of the memory areas and the individual memories, during operation.” **(e.g., column 1, lines 54-58; number and size of queues to be modified).**

3. *In regard to claim 7 Muller teaches:*

“wherein the device is for data to be transported via a network bridge.” **(e.g., column 3, line 52 to column 4, line 33; Network switch; Fig. 2).** *The network switch includes network interface 205, which receive and transmit network packets. Network switch comprises Network Bridge.*

### ***Allowable Subject Matter***

*Claim 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

1. *The primary reason for allowance of claims 8-9 and 11-12 in instant application is the combination of claim limitations with inclusion of the following limitation: **an arrangement for configuring and controlling the network bridge so as to query***

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**data, analyze data, and obtain parameters for operating the memory on the basis of analysis; an interface via which the memory is connected via an interface to the arrangement for configuring and controlling means.**

2.       The primary reason for allowance of claim 10 in instant application is the combination of claim limitations with inclusion of the following limitation: **an interface via which the memory is able to be connected to an external memory in order to thereby increase an overall size of the memory.**

### **Conclusion**

*The prior art made of record and not relied upon are as follows:*

1.       U. S. Patent Publication No. 2003/0018862 A1 Karnstedt et al. describes Integrated circuit FIFO memory devices that are divisible into independent FIFO queues, and systems and methods for controlling same.
2.       U. S. Patent No. 5,797,042 A to Gaylord describes Method and apparatus for adjusting the buffering characteristic in the pipeline of a data transfer system.
3.       U. S. Patent No. 5,974,518 A to Nogradi describes Smart buffer size adaptation apparatus in digital data communication system in LAN, Ethernet.

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to HASHEM FARROKH whose telephone number is (571)272-4193. The examiner can normally be reached on 8-5.*

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*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chase can be reached on (571)272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.*

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.*

*/Hashem Farrokh/  
Examiner, Art Unit 2187*